



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Endevco Corporation
File: B-224359
Date: October 22, 1986

DIGEST

Proposal to develop an accelerometer properly was rejected as being technically unacceptable, without discussions, where the proposal failed to comply with the power-consumption requirement set forth in the request for proposals and major revisions would be required to make proposal acceptable.

DECISION

Endevco Corporation protests the exclusion of its initial proposal from the competitive range under request for proposals (RFP) No. F08635-86-R-0046, issued by the Department of the Air Force, Eglin Air Force Base, Florida. The RFP contemplated a cost-plus-fixed-fee contract to develop an economical high-G solid-state accelerometer on a single silicon wafer chip for use in penetrator munitions. The accelerometer must register the impact of penetration and relay the information through interface circuitry (also to be developed under the contract) to a microprocessor controlling detonation of the weapon.

The protester's approach was to modify its commercially-available Model 7270 sensor that basically met all the RFP's requirements for the accelerometer, except with regard to power consumption. The Air Force determined that modifying Endevco's proposed approach to satisfy the power-consumption requirement would require major revisions to the proposal, and rejected the proposal as technically unacceptable. The protester argues that the Air Force's determination was unreasonable, that it was treated unfairly, and that the solicitation was defective.

We deny the protest in part and dismiss it in part.

Initially, we point out that our discussion of the contents of the protester's proposal, the other proposals in the competitive range, and the Air Force's technical evaluation of proposals necessarily is limited because of restrictions on

disclosing the information imposed by the protester, regarding its proposal, and the Air Force. See Pharmaceutical Sys., Inc., B-221847, May 19, 1986, 86-1 CPD ¶ 469. We have reviewed in camera these materials, and considered them in reaching our decision.

The RFP required offerors to submit proposals in three volumes--I, a technical proposal limited to 50 pages; II, a management/personnel proposal limited to 30 pages; and III, a cost/price proposal limited to 30 pages. Regarding technical proposals, the RFP required offerors to detail at least one specific approach to attaining the RFP's requirements, including a discussion of the principles and techniques to be applied, identification of technical uncertainties, and proposed methods of resolving those uncertainties. The merit of the technical proposals was the principal evaluation area, and contained the following factors, in descending order of importance:

- a) Soundness of Approach,
- b) Understanding the Problem,
- c) Compliance with Requirements, and
- d) Special Technical Factors (e.g., the extent to which the proposed approach, cost-effectiveness analyses and design demonstrated originality and ingenuity).

Each factor contained several subfactors which generally emphasized the importance of a detailed and thorough analysis of the effort required by the RFP.

The power-consumption requirement, contained at paragraph 4.2.8 of the statement of work, stated that "the operational electrical power requirements for the accelerometer including its associated interface circuitry shall be less than 40mW [milliwatts] (using a single five-volt power source) allowing approximately 85 to 90 percent of this power for analog-to-digital conversion." Endevco's technical proposal stated that the power consumption of its sensor was "<20mW at 5V DC," and explained that modifications "may be applied" to the basic design of the Model 7270 to obtain lower power consumption. The proposal did not detail a method of obtaining lower power consumption but simply stated that it would change the dopant level to obtain a higher internal electrical resistance of certain circuit elements.^{1/}

^{1/} Dopant is a substance which, when applied to a semiconductor, alters the semiconductor's properties--here, to increase resistance. As resistance increases, power consumption decreases according to the formula: Power in watts = Potential² in volts ÷ Resistance in ohms).

The Air Force contends that since the RFP provided that approximately 85-95 percent of the available 40mW would be needed to power the analog-to-digital converter, Endevco's proposed use of approximately 20mW (that is, 50 percent of the available power) for its sensor significantly deviated from the RFP's power-consumption requirement. Although Endevco's proposal suggested that the power consumption could be reduced by a simple modification, the Air Force maintains that the circuit of the wafer chip cannot be modified in a simple fashion to obtain significantly lower power consumption, and that the necessary modifications would entail substantial revisions to Endevco's proposal.

The protester states that it is capable of increasing the resistance of internal elements of the sensor's circuitry tenfold by changing the dopant level in the chips, which would result in a power consumption of 2.5mW (that is, 6.5 percent of the available 40mW), and that it already has obtained nearly identical energy levels with its 7270 sensor under contracts with Sandia National Laboratories, Albuquerque, New Mexico. The protester also asserts that it is the only producer of a commercial high-G solid state accelerometer, and is the worldwide leader in this technology. The protester argues that since its already-developed sensor meets most of the Air Force's requirements, and the Air Force was aware of Endevco's capabilities, the Air Force unreasonably excluded Endevco's proposal on the basis of the power-consumption deficiency that allegedly can be modified simply.

In reviewing protests regarding the evaluation of proposals, our function is not to reevaluate proposals; that is the function of the contracting agency which is most familiar with its needs and must bear the burden of any difficulties resulting from an evaluation. Procuring officials have a reasonable degree of discretion in evaluating proposals, and we will not object to their determinations unless shown to be unreasonable or a violation of procurement laws and regulations. See Pharmaceutical Sys., Inc., B-221847, supra.

Any proposal that fails to conform to the material terms of the solicitation generally should be considered unacceptable. Ridge, Inc., B-222481, June 24, 1986, 65 Comp. Gen. ___, 86-1 CPD ¶ 583, and should be excluded from the competitive range for discussions where major revisions would be necessary to make the proposal acceptable. Forecasting Int'l Ltd., B-220622.3, Apr. 1, 1986, 86-1 CPD ¶ 306. Since a technical evaluation must be based on information submitted with the proposal, an offeror that submits an inadequately written proposal runs the risk that the proposal will be excluded from

the competitive range no matter how capable the offeror may be. Health Management Assocs. of Am., Inc., B-220295, Jan. 10, 1986, 86-1 CPD ¶ 26.

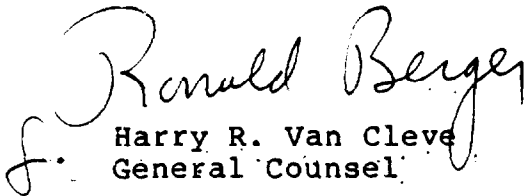
The record supports the rejection of Endevco's proposal. The RFP stated that the accelerometer's consumption must be approximately 5 to 15 percent of 40mW (allowing 85-95 percent for the analog-to-digital converter), specifically requested detailed information explaining how the RFP's requirements would be attained, and contained evaluation factors which indicated the importance of providing the detailed information. Despite this, Endevco proposed a significantly higher power consumption without detailing an approach to reduce it.

Although the protester asserts that it currently is complying with similar power-consumption requirements under other contracts, its proposal contained no such representation, and therefore the Air Force could not evaluate this factor. Regarding Endevco's assertion that it is capable of meeting the required power consumption through simple modifications, the Air Force's technical evaluators state that it is no simple matter to reduce significantly the sensor's resistance and that the proposal would have to be substantially rewritten to be made acceptable. The protester has not shown otherwise and its mere disagreement with the Air Force's technical judgment does not meet the protester's burden of affirmatively proving that the Air Force's judgment is unreasonable. See Ridge, Inc., B-222481, *supra*. Further, as a general matter, the Air Force's judgment that there are limits to the extent that resistance can be increased without affecting other characteristics of a silicon wafer chip is reasonable. If Endevco had a simple low-risk approach to reducing the resistance, it was incumbent upon Endevco to describe it in its proposal.

The protester also alleges that a competitor may have participated in drafting the statement of work and may have been afforded the opportunity to discuss its initial proposal with the Air Force, thus giving the competitor an unfair advantage over other offerors. Even assuming such was the case, the protester must show that these alleged actions adversely affected its competitive position. See A&A Realty, Inc., B-222139, June 20, 1986, 86-1 CPD ¶ 575. The protester has not done so and is unable to do so since the alleged actions had no effect on the basis for rejecting Endevco's proposal, namely its significant departure from the stated power requirement.

Finally, Endevco objects to provisions in the RFP. Endevco complains that the solicitation was not sufficiently precise regarding power consumption and improperly required Endevco to submit proprietary data. As stated above, the RFP clearly stated that the required power consumption would be the remaining portion of less than 40mW after allowing approximately 85-95 of that power for analog-to-digital conversion. If the protester is challenging the validity of the power-consumption requirement, the issue is untimely. Our Bid Protest Regulations require that any protest of an alleged solicitation impropriety apparent prior to the closing date for receipt of proposals must be filed prior to the closing date. 4 C.F.R. § 21.2(a)(1) (1986). Endevco did not protest the solicitation's provisions until after its proposal was rejected. Any objection to the RFP's data-submission requirements also is untimely for the same reason.

The protest is denied in part and dismissed in part.


Harry R. Van Cleave
General Counsel